



Riverside County District Attorney's Office
Organized Retail Theft Vertical Prosecution Grant Program

Project Curtail Retail Theft

Local Evaluation Plan
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Riverside County District Attorney's Office

Organized Retail Theft Vertical Prosecution Grant
Program

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Project Background

Riverside County community members have experienced a 1000% increase in theft¹ cases referred by local law enforcement for prosecution within the past two years. These theft cases, particularly organized retail theft (ORT) cases, have resulted in business closures and a shifted community perception of the safety in visiting local retail establishments. Simultaneously, the population size of Riverside County is growing rapidly as the county is considered the fourth largest in California². Parallel to population growth, Riverside County has leveraged our raw geographical size and transformed into a major hub for logistics and distribution investments of several big box stores. Up until now, local retail theft crimes resulted in non-vertical ORT prosecutions that were not investigated properly, and many times failed to identify the defendant as an ORT recidivist.

The Riverside County District Attorney's (RCDA's) office proposes a program designed to effectively combat the scourge of ORT using a collaborative model specifically targeted toward identifying, investigating and vertically prosecuting ORT offenders – a first of its kind in Riverside County. Our program will first seek to develop collaborative and productive partnerships with law enforcement and industry stakeholder partners. Leveraging those relationships, we will employ state-of-the-art investigative techniques designed to identify and eliminate ORT at the root. In the courtroom we will employ a just and balanced approach, first by offering diversion alternatives to eligible minor offenders. For ORT instigators we will seek sentences that justly punish, and which will serve as a deterrent to those who harbor ORT designs. This project aims to mitigate the public safety risks faced from organized retail theft while identifying sustainable long-term solutions for offenders to ultimately reduce future recidivism³.

¹ Theft is defined using the definition provided by BSCC including any crimes described in Chapter 5 of Title 13 of Part 1 of the Penal Code (PC), including PC 211-215, 459, 459.5 and 490.4.

² See Appendix Figures 1 and 2 for reference.

³ The standard definition of recidivism, as defined by the BSCC through the passage of AB 1050, considers recidivism as a new felony or misdemeanor conviction within three years of release from custody. However, this analysis will utilize a revised definition due to the limited reporting period of three years. Our definition of recidivism refers to a new case filing, following the conviction of an ORT charge. We will further explore the tendency of ORT offenders to re-offend with theft, ORT or non-ORT case types. Additionally, we intend to explore the frequency of trailing cases filed after the initial case filing and prior to the case resolution.



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Project Curtail Retail Theft is intended to solve several problems related to the historic non-vertical prosecution model of organized retail theft. First, dedicated funding to combat ORT allows our office to allocate one Deputy District Attorney (DDA) and one full-time DA investigator to specialize in learning the nuances and evidentiary burden in prosecuting Penal Code Section 490.4 crimes, while also providing consistency in judgement across incoming ORT cases. Centralizing these efforts ensures ORT cases are identified, and periphery evidence is accurately determined, such as out-of-jurisdiction pending ORT cases and the centrality of the offender within the ORT operation. Second, our team has leveraged grant funding to establish community partnerships and outreach with local businesses and law enforcement partners. Forging these relationships establishes community awareness of the steps being taken by RCDA to mitigate public safety concerns through comprehensive prosecution of ORT cases. Upon reviewing historic handling of non-vertical ORT prosecution, our team has identified inefficiencies in resolving out-to-warrant, failures to appear in court and accurately identifying re-offenders of ORT crimes. Third, we plan to solve problems related to out-to-warrant offenders and failures to appear in court through our community partnerships with local law enforcement and internal investigation efforts. Moreover, our data analytics unit will ensure within jurisdiction offenses committed by the same offender are appropriately identified and taken into consideration during the handling of the case and recidivism estimations.

The vertical prosecution program that we envision, consisting of a full time DDA and a full time District Attorney investigator (DAI), will position us to execute effective strategies in our fight against ORT. For the first time since ORT has risen to notoriety, our office will enjoy personnel exclusively dedicated to understanding Penal Code section 490.4 in depth, as well as to staying fully abreast of modern ORT trends and schemes. Our vertical ORT personnel will work initially to establish positive, open communication channels with retail establishments, online marketplaces, law enforcement agencies, and other key industry stakeholders. By fostering an atmosphere of information sharing and teamwork, they will foster a sense of optimism and “buy in.” Most importantly, a stakeholder-focused approach will motivate private industry to assist us in identifying patterns indicative of ORT, such as the methods being used to steal goods from retail, and those used to surreptitiously expose stolen goods into the marketplace.

The vertical DDA and DAI will provide regular trainings to stakeholder partners, during which they will share knowledge, best practices, and emerging trends related to ORT. For example, patterns recognized on the “ground” level—e.g., observations made by



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loss prevention officers that indicate commonalities between perpetrators and/or the vehicles employed to escape with merchandise—will play a critical role in our ability to discern ORT from isolated acts of shoplifting or commercial burglary.

To fully realize success, our program must also earn the cooperation and trust of online retailers and marketplaces. Corporate stakeholders have robust systems in place to detect fraudulent or suspicious transactions, which will help us the identify ORT patterns and modus operandi. Corporate stakeholders employ data analytics and fraud detection tools that help identify unusual purchasing patterns, account activities, and shipping destinations, which we hope to leverage to proactively detect and prevent ORT. For example, we might obtain real-time information on ongoing illicit transactions, allowing us to take immediate action to identify and neutralize a scheme at the source. This type of collaborative working relationship will also assist us in identifying specific retail areas in our county that suffer the highest volume of ORT victimization, further allowing us to focus our efforts where they are needed the most. Not only will our program administration track numerically our progress, periodic “satisfaction” surveys will solicit from stakeholders how they value and rate our performance. In fact, we have already begun the process of forging key ORT relationships, having recently agreed with several local law enforcement agencies to actively collaborate with them under a parallel Organized Retail Theft Prevention Grant Program (ORTGP).

We believe that a core measure of our program success must be reflected in ORT charge dispositions that positively reflect the quality of our collective investigative efforts. We therefore propose to gauge whether we will attain: (1) increases in ORT cases submitted to us for filing consideration; (2) decreases in the number of “at large” ORT defendants with active arrest warrants; and (3) increases in the number of ORT convictions attained in the courtroom. At an early stage in the program’s implementation, we will launch a comprehensive internal review of pending retail theft cases, with an intent to identify those harboring indicators of ORT. Our program will moreover conduct internal trainings and create a new filing review protocol to increase our overall ORT vigilance, so that such cases are identified by non-grant personnel as early as possible.

In a related vein, we must be mindful that “low-level” ORT offenders might be motivated to participate in diversion programs for a variety of mitigating circumstances, including mental illness, drug addiction, and economic distress. A key goal of our grant program will therefore be to promote the admission of low-level defendants into judicial diversion, mental health diversion, drug diversion, and veteran diversion programs. By addressing



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the factors that contribute to criminal behavior, alternative programs aim to equip individuals with the necessary skills and support to reintegrate into society and lead law-abiding lives. In some cases, we might abandon the prosecution of a low- or mid-level defendant, provided the defendant reliably cooperates with us by offering operational intelligence, and/or by identifying “upstream” conspirators.

Project Goals and Objectives:

Goal #1: Increase the Number and Quality of Stakeholder Partnerships

- Objective A: Develop quality partnerships with industry and law enforcement stakeholders, with an emphasis on developing relationships with online retailers and marketplaces.
- Objective B: Develop and present quality training materials for loss prevention officers (LPOs), corporate security agents, and law enforcement, with a focus on recent ORT trends and investigative “best practices.”

Goal #2: Increase Case Resolutions that Incorporate a Penal Code Section 490.4 Conviction

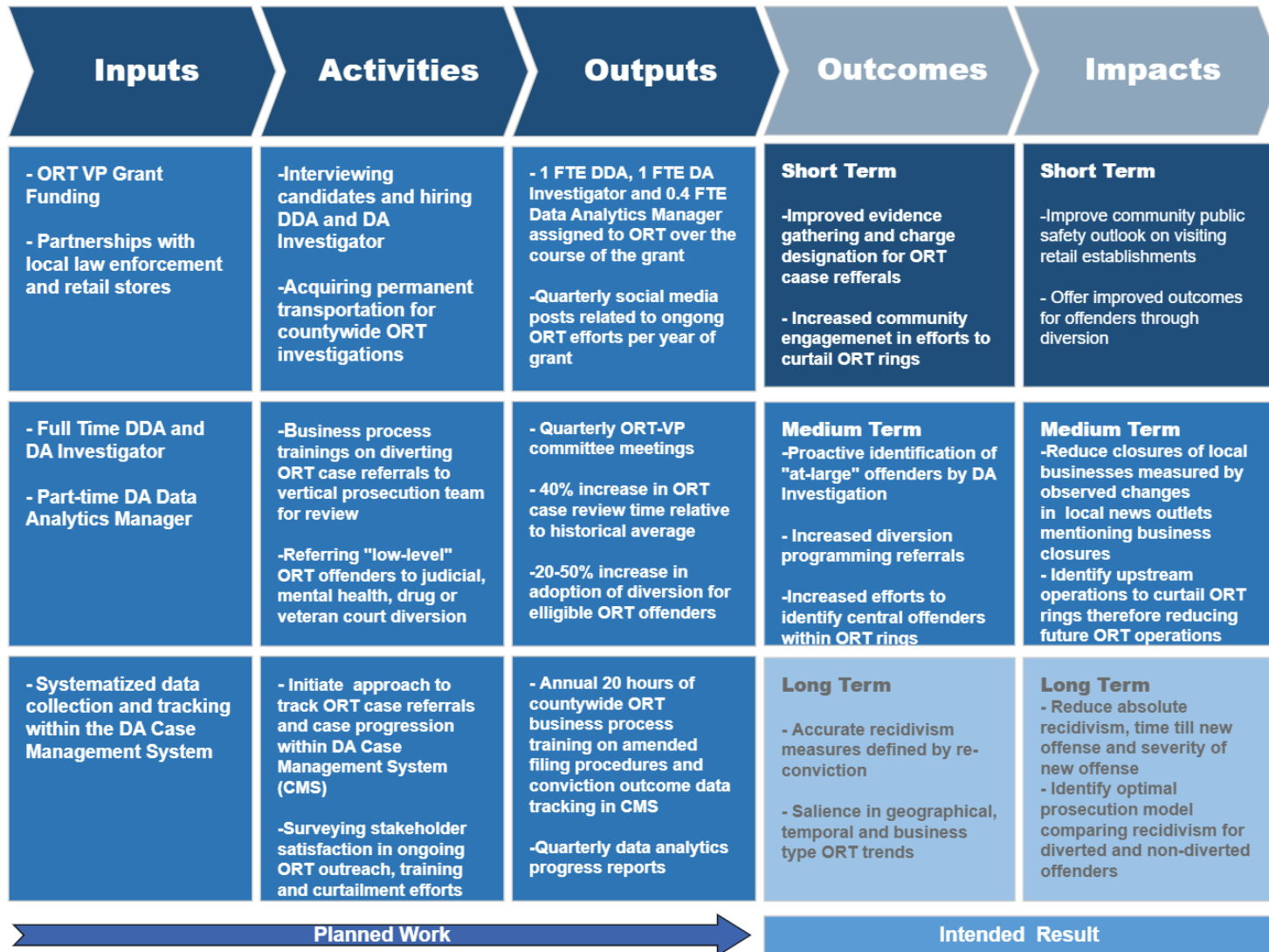
- Objective A: Increase the number of ORT (PC § 490.4) cases that are submitted to our office for filing consideration by outside agencies, increase the number of ORT case filings, and increase the number of vertical ORT prosecutions.
- Objective B: Reduce the number of ORT defendants that are “at large,” i.e., that have an outstanding arrest warrant.
- Objective C: Increase the number of case resolutions (e.g., by plea bargain, a court plea, or a jury verdict) that incorporate a Penal Code section 490.4 conviction.

Goal #3: Increase the Number of Defendants Diverted into Incarceration Alternatives

- Objective A: Increase the number of defendants who admitted into judicial diversion, mental health diversion, drug diversion, and veteran diversion programs.
- Objective B: Ascertain whether the imposition of incarceration alternatives tends to reduce ORT recidivism.



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Process Evaluation Design

Structurally, our project's process evaluation research design will comprise of a mixed methods approach including descriptive statistics, quantitative and qualitative methods. Moreover, our in-house data analysts will leverage systematized data tracking within the case management system to query, audit and summarize the frequency of ORT-VP cases reviewed, filed, prosecuted, and defendants referred for diversion. Descriptive visualizations such as bar plots, time series plots and correlation heat maps encompass the primary tools to display frequency of ORT referrals, filings, average time for filing, frequency of "at large" defendants out-to-warrant and failing to appear for court proceedings, and ultimate case resolution outcomes. Leveraging these methods allow an easily digestible summary of the key indicators required for tracking progress toward meeting expected goals. Qualitative evaluation of annual stakeholder satisfaction surveys will bridge the quantitative case breakdowns through measurement of survey correlation with changes in case outcomes and potential lags in community sentiment reframing.

Simultaneously, we will take advantage of defendant and case characteristic filters to compare trends in the aggregate, within groups and across groups. Attributes we envision drilling down are case and defendant features that we predict will lead to heterogenous case outcomes. For example, we hypothesize saturation of co-defendants will act as an explanatory characteristic in time to review and file an ORT-VP case. Additionally, we hypothesize case resolution strategy will be correlated with an offender's prior criminal history and the centrality of the offender's role within the ORT ring. Generating a battery of filtering attributes will enable our ability to compare average case filing disposition times and case resolutions across characteristic groups. Moreover, filters allow us to easily identify and group outlier cases that cause the distribution of cases or average to be skewed. Therefore, our confidence in interpreting the summary statistics in a way that is generalizable to the average ORT-VP case will be increased.

Finally, our data analytics team will estimate short-term forecasts with 90% confidence interval bands for data elements to update our understanding of whether our projected outcomes fall under short or medium-term project outcomes. These forecasts will further propel our team to adapt internal practices in case review and potential diversion referrals comparing current and desired project progression.



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Data Sources

I. DA Case Management System

- Identify ORT Case Referrals
- ORT Case Referral Received Date
- ORT Case Referral Filing Disposition Date
- Out-of-custody Status During Filing
- Number of Co-defendants
- Total Defendant Charges
 - i. # ORT
 - ii. # Theft
 - iii. # Other
- Number of Theft Incidents in Case
- Days Out to Warrant Arrest
- Any Failure to Appear
 - i. Days Failure to Appear
- Diversion referral
 - i. Diversion Type (Judicial, Mental Health, Drug, Veteran's)
- Diversion Status
 - i. Accepted/Denied/In Progress/Completion
- Conviction Charge/Method
 - i. ORT Charge or Other Charge
 - ii. Diversion, Plea Bargaining, Jury Verdict, Court Verdict
- Standardizing Name/Aliases for Within County Recidivism Analysis

II. Internal Database

- DDA Comments on Case Complexity
- DDA Self-report on Time to Review Case (Hours)
- DDA Self-report on Likelihood Case is an Outlier to Average ORT Case Reviewed
- DDA Self-report on centrality of offender within ORT operation
- DDA Self-report on number of previous theft, ORT, felony cases

III. Internal Survey Design

- Stakeholder Name
- Stakeholder Type (Business/Person/Law Enforcement)
- Sentiment Towards Historical Theft Curtailment Efforts
- Noticeable Changes in Current Theft Curtailment Efforts
- Likert Scale Sentiment Towards Theft Curtailment
- Likert Scale Sentiment Towards Historical Public Safety in Visiting Retail Establishments
- Likert Scale Sentiment Towards Current Public Safety in Visiting Retail Establishments



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Proposed Methods

I. Quantitative

- Descriptive
 - i. Histogram
 - ii. Time Series Plots
 - iii. Heat Maps
 - iv. Correlation Matrix
 - v. Forecasts with Confidence Interval Bands

II. Qualitative

- **Descriptive**
 - i. Pie Charts
 - ii. Bar Plots

Project Oversight

Centralized project oversight by our team lead, Managing Deputy District Attorney (MDDA) Kamaria Henry, ensures decision-making is consistent with the goals and objectives set forth in our grant application. Moreover, MDDA Henry has ample experience working within the office and bridging connections with local stakeholders. This facet enables project decision-making to adapt to new and strengthened community partnerships with retailers and local law enforcement while also taking into consideration potential changes in staffing. Training protocols will also be established through our centralized team lead ensuring project components are systematically presented officewide. Efficacy of project components will be evaluated by our-house Data Analytics Unit (DAU) through frequent review of current data metrics compared to projected data metrics represented in the logic plan. Specifically, an internally facing dashboard updated monthly by DAU showcasing the descriptive statistics presented in the process evaluation research design will allow ample time to adjust current processes if necessary. For example, having access to updated ORT-VP case characteristics can highlight attributes resulting in lack of diversion referrals or successful completions, for example. Our in-house Data Analytics Manager, Dr. Rainita Narender, will work alongside MDDA Henry to ensure process evaluation is accurate and comprehensively captures components necessary to ensure the project is implemented with fidelity.



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Supplemental Process Evaluation Design Matrix

Input/Resource/Activity/Output	Data Element(s)	Data Source(s)	Frequency of Data Collection
40% increase in average time to review ORT-VP out-of-custody case referral evidence relative to historic average	Case received and filing disposition dates per ORT-VP case	Case Management System	Each time an ORT case is referred to the ORT-VP unit for review and assigned to ORT DDA for filing
20-50% increase in adoption of diversion programs for low-level ORT offenders	ORT-VP defendant diversion eligibility, diversion type, acceptance status, programming progress, and completion status	Case Management System, Court database	Each time an ORT-VP defendant is considered for diversion
2 FTE staff assigned to ORT over the course of the grant	# of staff assigned to ORT	Employment records, Case Management System	Annually throughout duration of grant
20 hours per year over course of grant in countywide training of business processes related to systematized referral and tracking of ORT-VP cases within case management system	# hours spent training and answering questions related to protocols	Internal data tracking database	Annually throughout duration of grant
Quarterly data analytics reports on project progress	# of ORT case referrals, # ORT-VP case filings, # non-vertical ORT case filings, average time for case review, # diverted defendants, #plea/jury/court verdict convictions, #re-offenders, time till re-offense, severity of re-offense	Case Management System	Each time a case event occurs for each ORT and similar case types throughout the duration of the grant period
Reduced out-to-warrant and failures to appear defendants	classify out-to-warrant ORT defendants, classify failures to appear defendants	Case management system	Each time an individual is provided alternative to incarceration throughout duration of grant



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Outcome Evaluation Design

Our data analytics team will utilize a mixed methods approach to evaluate Curtail Retail Theft program outcomes. Ultimately, our analysis will be focused on evaluating several metrics aligned with our stated goals and objectives, such as changes in average time for case filing dispositions, changes in absolute recidivism rates, changes in time till new re-offense, changes in severity of new re-offense. Our analysis will primarily leverage a causal inference quantitative method, Event Study⁴ Models, to measure statistically significant changes in case filings, convictions, and recidivism rates pre and post ORT-VP deployment. Based on historically infrequent ORT case filings, t-tests will be performed to compare pre and post differences in means when constrained to a small sample size. We can further estimate if there are statistically significant differences in recidivism rates for diverted and non-diverted offenders in a linear probability regression model. Finally, our data analytics unit will leverage a Difference-in-Differences⁵ design to estimate the “treatment effect” of vertical prosecution on ORT cases compared to non-vertical ORT case outcomes and similar charge case outcomes, such as grand theft.

Data Sources

I. DA Case Management System

- ORT Case Referral Frequency and Location
- ORT Case Referral Business Type
- ORT Case Referral Received Date
- ORT Case Referral Filing Disposition Date
- Out-of-custody Status During Filing
- Number of Co-defendants
- Total Defendant Charges
 - i. # ORT
 - ii. # Theft
 - iii. # Other
- Number of Theft Incidents in Case
- Days Out to Warrant Arrest
- Any Failure to Appear
 - i. Days Failure to Appear
- Diversion referral
 - i. Diversion Type (Judicial, Mental Health, Drug, Veteran's)
- Diversion Status
 - i. Accepted/Denied/In Progress/Completion

⁴ See '[An Introductory Guide to Event Study Models](#)' for reference

⁵ See '[Health Policy Data Science](#)' for reference



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- Number of Defendants Convicted
- Number of Charges Resulting in Conviction
 - i. Changes to Filed and Convicted Charges
- Time from Case Referral to Ultimate Conviction
- Conviction Method
 - i. Diversion, Plea Bargaining, Jury Verdict, Court Verdict
- Standardizing Name/Aliases for Within County Recidivism Analysis
- Identify New Arrests for Historical ORT and ORT-VP Cases
- Identify New Arrests Leading to Filings for Historical ORT and ORT-VP Cases
- Identify New Filings Leading to Conviction for Historical ORT and ORT-VP Cases
- Identify New Convictions Leading to Probation, Jail, Prison or Diversion Dispositions or Historical ORT and ORT-VP Cases

II. Internal Database

- DDA Comments on Case Complexity
- DDA Self-report on Time to Review Case (Hours)
- DDA Self-report on Likelihood Case is an Outlier to Average ORT Case Reviewed
- DDA Self-report on centrality of offender within ORT operation
- DDA Self-report on number of previous theft, ORT, felony cases
- Barriers and facilitators for case successful outcomes

III. Internal Survey Design

- Stakeholder Name
- Stakeholder Type (Business/Person/Law Enforcement)
- Sentiment Towards Historical Theft Curtailment Efforts
- Noticeable Changes in Current Theft Curtailment Efforts
- Likert Scale Sentiment Towards Theft Curtailment
- Likert Scale Sentiment Towards Historical Public Safety in Visiting Retail Establishments
- Likert Scale Sentiment Towards Current Public Safety in Visiting Retail Establishments



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Proposed Methods

I. Quantitative

- a. Descriptive
 - i. Histogram
 - ii. Time Series Plots
 - iii. Kernel Density Plots
 - iv. Heat Maps
 - v. Correlation Matrix
- b. Analysis
 - i. Differences Means (t-test)
 - ii. Effect Size in Correlation
 - iii. Linear Probability Model Regression
 - iv. Event Study Analysis
 - v. Difference-in-Differences Design

II. Qualitative

a. Descriptive

- i. Pie Charts
- ii. Bar Plots

Potential Limitations

Several limitations arise when evaluating direct effects of policy intervention on intended outcomes. Most prevalent is disentangling the proportion of realized change that can be attributed to the change in policy. For example, other factors outside of the policy, such as statewide news or spillover effects from surrounding counties can influence outcomes, also known as a confounder effect. Special attention to isolate direct effects of the Riverside County ORT-VP policy change will be taken to mitigate these potential limitations. For example, control cases that are similar in severity to ORT-VP cases, such as grand theft, will be utilized as comparison cases. In addition, comparing ORT cases with similar attributes that are processed through vertical and non-vertical routes will allow a direct comparison of policy intervention on project success. In addition to comparing historical ORT re-offense with current re-offense, we will compare recidivism rates of ORT-VP cases with ORT and other similar theft cases to benchmark recidivism relative to current fluctuations in the commission of theft related crimes. Ultimately, our greatest limitation is in measuring policy success through the reduction of recidivism rates. First, the three-year span of the project does not allow for robust three-year cohort recidivism analysis. Therefore, any recidivism captured will be bounded to the start of the first successful ORT-VP conviction until the end of the project period. Given the internal lags of the criminal judiciary system, three outcomes of recidivism are considered to mitigate underrepresentation: new referrals, new filings and new convictions of an offense following the conviction of an ORT-VP case. Lastly, our office's inability to measure out-of-jurisdiction recidivism will result in an inability to truly track statewide success in curtailing organized retail theft.



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Supplemental Outcome Evaluation Design Matrix

Outcome	Definition	Data Source(s)	Frequency of Data Collection
Increases in ORT cases submitted for filing consideration	Increased community outreach yielding increased referrals by local law enforcement	Internal survey outcomes, Case Management System	Each time an incident is received/referred for prosecutorial review
Decreases in the number of "at large" ORT defendants with active arrest warrants	Increased identification, tracking and investigation of out-to-warrant and failure to appear offenders	Case Management System	Each time an offender fails to appear to a court proceeding and/or remains out to warrant
Increases in the number of ORT convictions attained in the courtroom	Increases in ORT cases resolving by way of plea bargaining, jury verdict or court verdict.	Case Management System, Court database	Each time an ORT case is closed
Increases in ORT case diversion referrals	Increase in "low-level" offenders diverted to judicial, mental health, veteran's or drug programming	Internal database, Case management system	Each time offender is referred and progresses through diversion programming
Increase in ORT cases filed	Increase in the number of ORT cases filed	Case management system	Each time a case is filed
Improved conviction rates for ORT cases	Increase in the number of ORT convictions in relation to the number of ORT cases filed.	Case management system	Each time a case is closed
Improved quality and timeliness of information sharing between DA offices, law enforcement, and local and online retailer	Increase in collaboration between agencies in gathering information and evidence to file ORT cases	Case management system	Each time a case is filed
Improve shareholder satisfaction with ORT case handling	# of stakeholders surveyed, # of low, medium, high satisfaction, Changes in satisfaction levels across grant period	Internal survey designs, internal software to design, deploy and analyze survey responses	Annually throughout duration of the grant
Improved conviction rates for ORT cases	# of ORT prosecutions and # of ORT cases filed	Case management system	Each time a case is closed



Appendix

Maps of Riverside County

Figure 1 – Riverside County Relative to California





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Figure 2 – Riverside County 2022 Census Tract Population Heat Map

